

SNOHOMISH COUNTY MENTAL HEALTH COURT



PARTICIPANT HANDBOOK

Participant Name: _____

Version 4-18-2019

The Snohomish County Mental Health Therapeutic Court is a voluntary therapeutic program developed to assist community members with serious mental illness navigate the judicial system. The treatment court connects participants with treatment services applying a wraparound approach of Mental Health, Substance Abuse, and Social Service agencies to provide a structured, holistic, and supportive program improving community connection, safety, and wellness.

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PLEASE READ THIS BOOKLET VERY CAREFULLY. YOU ARE RESPONSIBLE FOR KNOWING AND UNDERSTANDING ITS CONTENTS.

This handbook is designed to provide you with information regarding the Snohomish County Mental Health Therapeutic Court (MHC) program. These are guidelines so you can be informed about general policies and procedures. The Court reserves the right to change these guidelines and to decide any matter based upon individual facts and circumstances.

I. PROGRAM INFORMATION

A. INTRODUCTION

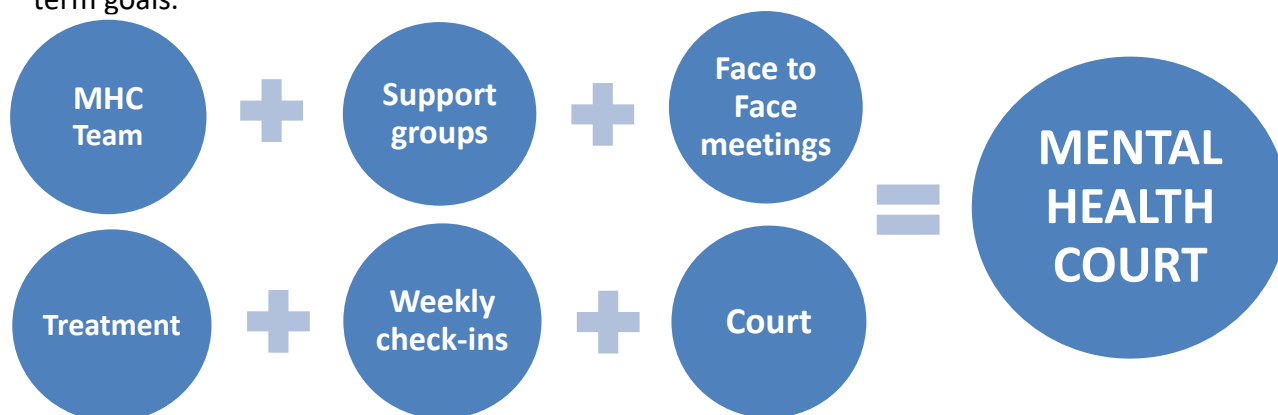
Welcome to the ***Snohomish County Mental Health Court (MHC)*** program! This handbook is written to answer your questions and provide overall information about the Mental Health Court program. Please refer to this handbook during your time in Mental Health Court. It will serve as a useful guide!

What is the Mental Health Court program?

The Mental Health Court is designed to help participants. Instead of a traditional sentence and probation, you will enter a supervised, structured, treatment-based program designed to help you learn how to manage your mental illness and learn other essential life skills in order to live a healthy life. As a participant of this program, you are expected to attend all treatment sessions. You are also required to attend Mental Health Court hearings with other program participants. Compliance is monitored by the Mental Health Court team through regular appointments and required drug and alcohol testing. Successful completion of Mental Health Court results in dismissal of the criminal charges that were the reason for the participant's admission into Mental Health Court. Most importantly, graduating participants gain the necessary tools to learn a better way to live.

Mental Health Court is designed to have both intense accountability and encouragement by a team made up of a judge, officer, coordinator, prosecutor, and defense attorney. The team works collaboratively to monitor, supervise and guide each participant. Based on your participation, we may be able to provide assistance with stable substance-free housing, education, employment, transportation, and mental health concerns – you will not be alone in your recovery efforts.

In order to successfully complete the program, participants must work their way through the five program stages. The stages are designed to gradually increase coping skills and healthy choices by first focusing on treatment, then life skills, then emotional needs and finally, long-term goals.



How does the Mental Health Court program work?

The Mental Health Court program is designed to address your mental health issues, substance use disorder (if applicable), social and family problems, stable housing, and your employment or educational needs. You will participate in a variety of outpatient activities, including group and/or individual therapy, random drug screens and community-based self-help groups, where appropriate.

Mental Health Court participants remain in the program for a **minimum of 12 months** and must complete program requirements within 24 months (exceptions may occur). There are **five stages** that must be completed. If you successfully complete these stages and pay all restitution and other Mental Health Court financial obligations, you will graduate and the criminal charges that brought you to Mental Health Court will be **dismissed**. More importantly, you will gain the necessary tools to rebuild your life. However, if you consistently do not work toward treatment and stage goals, you may be terminated from the program.

Mental Health Court is a team approach towards helping you be successful. All members of the team want you to succeed and create a new healthy, stable, and satisfying lifestyle. We believe a critical part of your success is your ability to become involved in community-based support systems during your treatment that help you transition into a healthier lifestyle, and maintaining that lifestyle even after completing the Mental Health Court program.

Who are the Mental Health Court team and what do they do?

The Mental Health Court team consists of the Judge, prosecuting attorney, public defender, program coordinator, and court officer. The Mental Health Court team meets before every Mental Health Court hearing to discuss each participant's progress and treatment recommendations.

What if I have a Substance Use Disorder (SUD), AKA a substance use disorder/addiction?

Mental Health Court accepts participants who may have both mental health and substance use disorder challenges. You will be expected to receive treatment for both your mental health and substance use concerns. All applicants to the Mental Health Court program will be required to obtain recent mental health and substance use disorder assessments.

We are willing to work collaboratively to assist in your substance use disorder treatment. However, there may be some substance use disorder situations that are too severe to allow for participation in the Mental Health Court program.

What happens once I am in the Mental Health Court program?

You will regularly meet with the Mental Health Court officer and develop goal plans. The goal plans are designed to improve your functioning in the critical areas of your life. New goal plans will be developed at each stage of the program. The Mental Health Court program requires you to have ongoing contact with the Mental Health Court officer, individual and/or group therapy, medication management, court appearances, random drug testing, and community-based support groups (as appropriate).

B. PROGRAM COMPONENTS

Treatment Component

Applicants will complete a mental health evaluation and engage in recommended mental health treatment. In addition to the mandatory mental health treatment services, the Mental Health Court team may recommend additional required services based on the individual needs of the participant. Applicants will also be required to complete a substance use disorder assessment and follow treatment recommendations as appropriate.

Activities participants must participate in during Mental Health Court

- Face to face appointments with Mental Health Court Officer
- Mental health counseling and treatment; psychiatric care if recommended
- Substance use disorder treatment (if applicable)

Examples of other treatment services Mental Health Court may recommend for participants

- Individual or family therapy
- Vocational rehabilitation
- Community-based support groups

The treatment provider provides client progress reports to the team before each hearing. The client progress report will include the following information:

- Dates of one-on-one appointments
- Any missed one-on-one appointments (and whether they were excused)
- Dates of group sessions
- Any missed group sessions (and whether they were excused)
- Substance use testing results
- Concerns/announcements/questions/requests that the participant or the treatment provider may have
- Whether the participant is compliant or non-compliant with treatment expectations

Mental Health Court Specialty Officer Component

Participants will meet with the Mental Health Court officer frequently. The officer ensures that Mental Health Court orders are followed and assists participants in understanding and complying with court orders and accomplishing stage goals.

The Mental Health Court officer provides client progress reports to the team by the Wednesday prior to each Mental Health Court hearing. The client progress report will include the following information:

- Dates of all appointments attended or missed
- Compliance report for any sanctions ordered on the last Mental Health Court order
- Substance use testing results
- Concerns/announcements/questions/requests that the participant or the Mental Health Court Officer needs to share with the team

Court Component

Participants attend Mental Health Court hearings with other participants as required. At the hearings, participants will report to the judge on their progress and setbacks on completion of program tasks and assignments. The Mental Health Court team attends hearings to offer support, encouragement and accountability. The judge addresses accomplishments and violations and enters orders for each participant for the next Mental Health Court period.

Throughout the program, the team will support participants with incentives for success and accomplishments.

When a participant is out of compliance with program requirements, the judge may impose sanctions. Mental Health Court tailors its expectations of participants by stages. At each stage, the team will explain to the participant what the expectations for compliance are and how compliance will be monitored. The Mental Health Court issues sanctions for non-compliance and attempts to tailor sanctions to each participant's individual treatment plan. For example, if a participant does not attend treatment for one week, the sanction might be an increase in treatment expectations during the next Mental Health Court period. While sanctions can include jail time, the Mental Health Court team intends to use non-jail sanctions for most violations.

Team Member Component

The success of Mental Health Court is dependent upon the strength of the team. The team will meet every week to discuss compliance of each participant. After staff meeting discussions, the team will make a decision as to what action(s) to take on each participant's case.

Essential Mental Health Court Team Members

Judge: The judge presides over Mental Health Court hearings. The judge provides input and direction during Mental Health Court team meetings and issues incentives and sanctions for participants during Mental Health Court hearings. The judge makes the final ruling on sanctions, incentives, and findings of fact.

Mental Health Court Coordinator: The coordinator assists prospective Mental Health Court participants with the application process and ensures an understanding of Mental Health Court treatment requirements. The coordinator maintains records, coordinates court proceedings, and assists the judge in drafting standard Mental Health Court orders. The coordinator also collects data and provides the team with outcome measurement data.

Mental Health Court Officer: The officer monitors program requirements while coordinating with treatment staff in the rehabilitation process. The officer meets with participants regularly to provide case management. The officer submits compliance reports for all Mental Health Court staff meetings. The officer attends all Mental Health Court staff meetings and hearings.

Public Defender: The public defender works with the prosecutor to identify and refer potentially eligible Mental Health Court clients to the program. The public defender provides

legal counsel to participants, reviews all program documents with the participant, and meets with the Mental Health Court team for staff meetings and hearings.

Prosecutor: The prosecutor works with the public defender to identify eligible Mental Health Court clients, attends all Mental Health Court staff meetings and hearings, dismisses charges upon graduation, and prosecutes upon participant's termination from Mental Health Court.

Integral Collateral Professionals to Mental Health Court

Court Clerk: The court clerk attends Mental Health Court hearings, provides court support to the judge, copies and delivers orders to participants and the team, schedules hearings, and prepares promises to appear.

Probation Manager: The probation manager assists in coordinating efforts with collateral service providers, scheduling trainings for the team, collecting data, and developing long-term funding plans. The manager provides support to the judge and supervises the probation department, Mental Health Court coordinator, Mental Health Court officer, and court clerk.

Any member of the team is available to answer your questions.

D. CONFIDENTIALITY AND PROFESSIONALISM

Mental Health Court is a unique model where traditional roles are blended to promote a unified interest in the participant's recovery and success. The typical courtroom environment is put aside and team members collaborate openly with each other. The Mental Health Court judge has more direct involvement with participants and the Mental Health Court team than is seen in a typical courtroom. The judge maintains the role of an impartial, independent decision-maker who is advised by professionals on participant compliance and options to strengthen each participant's capacity to succeed in Mental Health Court. To encourage this model and promote ethical and professional conduct, the team will:

- Limit their discussions at case staff meetings with the judge only to matters directly related to participants and will refrain from speaking about other cases, non-participants, and gossip in general.
- Hold information discussed during pretrial interviews, assessment, Mental Health Court team staff meetings, Mental Health Court hearings, and treatment sessions in confidence (except as required for mandated reporting of abuse or other laws).

- Not file new criminal charges against a participant on the basis of drug testing results or statements of drug use made by participants during Mental Health Court proceedings or during the course of the Mental Health Court program.
- Be respectful to one another during case staff meetings. The collaborative approach to Mental Health Court often means team members will have differing and equally valuable opinions.
- Support the wraparound efforts of the Mental Health Court team by encouraging participants to complete the case plan, court goals and treatment plan which the Mental Health Court officer and treatment provider have established for them.

II. PROGRAM POLICIES AND PROCEDURES

A. ELIGIBILITY CRITERIA

Not all applicants are accepted into Mental Health Court. In order to be eligible for the Mental Health Court program, the application must be submitted within 60 days of being arraigned and meet all of the following requirements:

- (1) Applicant must be **18 years of age or older and a resident of Snohomish County**;
- (2) Applicant must be charged with an eligible misdemeanor/gross misdemeanor offense;
- (3) Applicant must have a serious mental illness as determined by a mental health evaluation completed by a licensed mental health professional;
- (4) The Mental Health Court officer screens and evaluates the Applicant using the ORAS Risk and Need Assessment Tool and the result must be: **(1) High Risk / High Need; (2) Moderate Risk / High Need; or (3) High Risk / Moderate Need**;
- (5) Applicant must have **fully completed all aspects of the Mental Health Court application process** (the application, mental health assessment, substance use disorder assessment, risk and need assessment, and Mental Health Court observation);
- (6) Applicant must have or obtain insurance or provide financial means to address treatment needs; AND
- (7) Applicant must **voluntarily agree to participate** in Mental Health Court.

Opt-out period. Participants entered into the program will have fourteen (14) days from entry

of their mental health court stipulation to opt-out (withdraw) from the program, and have all waivers and stipulations and orders withdrawn and/or vacated, except for speedy trial waivers. If the participant violates any of the terms and conditions during the opt-out period, the court may reject the participant from the program without sanction and return their case to the trial track. Should this occur, all waivers, Mental Health Court stipulation, and orders will be withdrawn and/or vacated, except for the speedy trial waivers.

Conditional Plea and Deferred Sentence. All criminal charges pending in the District Court at the time of entrance into Mental Health Court are disposed of in a conditional plea of guilty or no contest. The applicant pleads guilty or no contest to the pending charges and sentencing on the charges are continued while the applicant is participating in Mental Health Court.

- If the applicant successfully graduates from Mental Health Court, the court will permit the applicant to withdraw his or her guilty or no contest plea and the prosecutor will dismiss the charges with prejudice.

C. MENTAL HEALTH COURT SCHEDULE

Mental Health Court hearings currently occur at 10:30 AM every Thursday at the Snohomish County District Court, Everett Division. Starting June 11, 2019, hearings will occur at 10:00 AM every Tuesday at Everett Division. At each court hearing, the judge will give participants an order that outlines the tasks they need to complete prior to the next scheduled court hearing. Typically, during each one to four-week interval, participants meet with the Mental Health Court officer, mental health counselor (and substance use disorder counselor, if applicable), attend group treatment sessions, attend support groups (as directed), and complete other tasks and goals. Participants must also complete any sanctions imposed during the interval between their court hearings. Hearings occur on the following schedule:

MENTAL HEALTH COURT HEARING SCHEDULE	
Wednesday prior to Mental Health Court (moving to Tuesday morning before court starting June 11, 2019)	Mental Health Court team meets and discusses each case
Thursday 10:15 AM (changing to Tuesday at 9:45 AM starting June 11, 2019)	Participants are expected to arrive early on court day
Thursday 10:30 AM (changing to Tuesday at 10:00 AM starting June 11, 2019)	Mental Health Court hearings begin

D. CASE STAFF MEETINGS

Case staff meetings take place prior to each Mental Health Court hearing. In staff meetings, the Mental Health Court team discusses each participant's case. Mental Health Court team members are required to attend these meetings. Recommended team actions are determined by a majority vote by the team. The Mental Health Court judge will consider these recommendations while balancing the participant's position on the matters at hand. After the team vote, the judge makes a final determination for all Mental Health Court orders and terminations and is not bound by the recommendations of the team.

E. COURT REVIEW HEARINGS

Mental Health Court hearings are open to the public. Friends, family, and guests of the participants are encouraged to attend and are permitted in the courtroom. Additionally, applicants considering joining Mental Health Court or other visitors approved by the judge are permitted in the courtroom. Visitors may not participate or comment on any of the proceedings during Mental Health Court hearings unless invited to do so by the judge or a participant.

The Mental Health Court team and participants will meet every week at Mental Health Court hearings. Mental Health Court hearings will occur at the Snohomish County District Court Everett Division. At the discretion of the judge, a participant may be required to meet with the team in an additional individual meeting. Participants are required to attend all hearings as outlined in the table below. However, if the team becomes concerned about a participant's progress, the judge can order a participant to appear for more frequent hearings.

STAGE	FREQUENCY OF HEARINGS <i>(unless modified by the judge for individual clients)</i>
1	Every week at 10:30 AM <u>for the first 30 days</u> (changing to 10:00 AM starting June 11, 2019) Every other week at 10:30 AM after 30 days (changing to 10:00 AM starting June 11, 2019)
2	Every other week at 10:30 AM (changing to 10:00 AM starting June 11, 2019)
3	Every fourth week at 10:30 AM (changing to 10:00 AM starting June 11, 2019)
4	Every fourth week at 10:30 AM (changing to 10:00 AM starting June 11, 2019)
5	Once on graduation day at 10:30 AM (changing to 10:00 AM starting June 11, 2019)

F. PHONE CHECK-INS

Participants are required to check-in by phone weekly while in the Mental Health Court program starting in Stage 2. Each participant will be notified of their phone check-in day when they are promoted to Stage 2. Participants are expected to call (425) 388-3157 between 8:00 AM and 4:30 PM on the assigned date. If no one is available to receive the call, participants are expected to leave a message answering the questions below.

- 1. What goals did I work on over the past week?**
- 2. What progress did I make?**
- 3. Has my phone number, mailing address, physical address, or email address changed?**

G. INCENTIVES AND SANCTIONS

Incentives

Incentives will be used liberally throughout participation in the program to support and encourage all participants. Participant incentives may include:

- Encouragement and praise from the Mental Health Court judge
- Applause and praise by the Mental Health Court team at hearing
- Ceremonies and certificates of progress
- Decreased frequency of court appearances
- Encouragement cards
- Modification of previous sanctions when authorized by the judge
- Trip requests granted
- Restoration of a lost privilege
- Prizes from the court
- A reduction in assigned court fees
- “Star of the Week” – approval to leave a hearing early
- Other incentives as determined by the team

Sanctions

Participants are subject to immediate sanction(s) for any failure to comply with program rules, requirements, and court orders. Any sanction imposed must be completed by the deadline set by the court and no later than the next scheduled Mental Health Court hearing. Behavior that may result in sanctions can include:

- Dishonesty
- Missed court appearance
- Missed drug test (considered a positive)
- Positive drug test (either positive for drugs or dilute)
- Adulterated/tampered drug test
- Missed treatment session
- Inappropriate behaviors at treatment
- Noncompliance with treatment plan
- New criminal arrest or charge
- Failure to report law enforcement contact within 24 hours
- Failure to fully complete previously ordered sanction
- Violation of court order
- Missed sober support meeting
- Missed court fines or Mental Health Court fee payment
- Failure to obtain housing
- Failure to update information with the court
- Failure to submit paperwork as directed by the court
- Failure to meet program goals

Sanctions that may result from above behavior may include:

- Warnings and admonishments by the Mental Health Court judge in open court
- Increased frequency in court appearances

- Increased frequency of drug and alcohol testing
- A written essay
- Community service or project; to be completed only after it has been assigned by the court as a response to a specific behavior. The site must be on the Community Service referral list or a 501(c)(3).
- EHM or GPS Program(s)
- A stage re-start or a return to a prior stage
- Escalating periods of jail confinement
- Association restrictions that assist in rehabilitation needs (court orders prohibiting a participant from having contact with certain individuals, etc.)
- Termination from Mental Health Court and referral to the prosecutor for sentencing
- Other sanctions as determined by the team

Procedure for Sanctions

1. At Mental Health Court Case staff meetings, the team and the judge will discuss whether there are violations of the Mental Health Court program.
2. The participant will be notified of the violation as soon as practicable but at a minimum, immediately prior to the Mental Health Court hearing on the day of the hearing.
3. The participant will be notified of the violation by the following team member:
 - a. For treatment plan violations – notification by the treatment provider
 - b. For all other violations – notification by the defense attorney or Mental Health Court officer.
4. During the Mental Health Court hearing, compliant participants will address the Mental Health Court judge first. Those being sanctioned will address the judge after compliant participants.
5. The judge will inform the participant on the record of the violation and ask the participant whether he or she wishes to admit or deny the violation.
6. If the participant admits the violation, the judge will provide the participant recognition for honesty and impose the sanction immediately.
7. If the participant denies the violation, the following steps will be followed:
 - a. A contested violation will occur at the end of the same Mental Health Court hearing unless the judge finds good cause to continue it.

- i. For participants who request a re-test of a drug or alcohol sample, the judge shall only continue the contested violation for as long as reasonably necessary to obtain the re-test laboratory results; and
 - ii. For any other continued violation hearing, the judge shall not continue a hearing beyond one week.
 - b. At the contested violation, the judge shall conduct the hearing without jury, the participant shall have representation by counsel and witnesses will not be summoned except with the permission of the judge.
 - c. The violation hearing will be held in open court.
8. The Mental Health Court team must provide evidence to support the violation in the form of sworn testimony, affidavits, or declarations; lab testing results; or exhibits. The team can also present any other evidence that the judge believes will assist in determining the factual basis for the violation.
 9. The participant may also provide sworn testimony or other evidence that the judge believes will assist in determining the factual basis for the violation.
 10. If by a preponderance of the evidence, the judge finds that the violation occurred, the judge shall impose the sanction immediately.
 11. If the judge also determines that the participant has been dishonest during the hearing, the judge may also impose a sanction for dishonesty but it will not be handled as a new criminal charge.
 12. The decision of the Mental Health Court judge is not subject to review or appeal.

H. RULES AND DEFINITIONS OF THE MENTAL HEALTH COURT PROGRAM

1. Be honest to yourself and the team at all times.
2. Maintain confidentiality of all other Mental Health Court participants.
3. All participants must live in clean and sober housing within Snohomish County while participating in the program.
4. Do not violate any city, county, state, or federal laws. A finding of probable cause may be sufficient for the purposes of imposing a Mental Health Court sanction.
5. Any arrest or contact with a law enforcement officer must be reported to the Mental Health Court officer **within 24 hours of contact**. All information that participants share with the Mental Health Court team is considered to be therapeutic and will not result in further criminal charges. *Exceptions to this include any information about the abuse of a*

child, abuse of a disabled adult, abuse of an elder person, domestic violence, and any information about a major crime as defined by the Federal Major Crimes Act.

6. Do not commit any acts of violence or threats of violence or engage in belligerent behavior.
7. Do not possess, use, consume, sell, distribute, or have under your control any alcoholic beverages, marijuana, mind- or mood-altering substances, or remain in the presence of anyone using illegal substances.
8. Do not go to any place where drugs are illegally used or sold.
9. Report use of drugs, marijuana, or alcohol to the Mental Health Court officer within 24 hours of use.
10. Drug testing
 - a. Submit to random alcohol and drug tests (including urine, saliva, breath, or blood) when requested on the daily UA call-in line or when directed by a Mental Health Court team member or treatment provider, including on weekends and evenings.
 - b. For the purposes of Mental Health Court, **a dilute sample or refusal** will be considered a positive drug test, which will affect your sobriety date and result in a sanction.
 - c. Participants must advise any professional conducting their drug test that their test **must be observed and sent for laboratory confirmation**.
 - d. If a participant requests that a lab confirm a positive test a second time, the participant will have two (2) weeks from the date of the test to pay the confirmation fee of \$15.00 for re-testing the sample.
11. Medication policy
 - a. It is the responsibility of participants to report the use of prescription medications to the Mental Health Court team by providing documentation of prescriptions to the Mental Health Court officer. Any positive test for prescription medication that is not authorized is considered a positive drug test, subjects the participant to sanctions, and may affect stage advancement eligibility. Authorization is evidenced by a current prescription and review of Mental Health Court staff. All participants must inform all health care providers that they are participants in Mental Health Court by using the Medication form provided by the Mental Health Court.
12. Attendance
 - a. Be *on time* for all scheduled appointments required in your Mental Health Court order. If you are more than 15 minutes late to your appointment, you may be sanctioned for missing a scheduled Mental Health Court appointment. If you miss any appointment, you must call within 24 hours to explain the reason and, if required, reschedule.

- b. Do not miss any scheduled appointment with the Mental Health Court officer without *prior* approval by the Mental Health Court officer.
- c. Do not miss any scheduled substance use disorder group or individual sessions without *prior* approval by your counselor.
- d. Do not miss any scheduled mental health professional session without *prior* approval by your mental health professional.
- e. Do not miss any other scheduled Mental Health Court program or counseling appointments (such as medical, mental health, face-to-face meetings, etc.).
- f. If directed to attend community support meetings, you may not attend more than one meeting on the same day.
- g. Be on time and do not miss any Mental Health Court hearings without *prior* approval by the judge. If a participant fails to appear for a Mental Health Court hearing and their absence has not been excused, a bench warrant will be issued immediately and, upon arrest, the participant will be held in jail until they appear before the judge to explain why they missed a Mental Health Court hearing.
- h. Excused absences
 - i. **Excused counseling or Mental Health Court officer appointments.** All counseling and Mental Health Court officer appointments are mandatory. It is at the discretion of the counselor or Mental Health Court officer to determine whether to excuse the absence and reschedule the appointment. Any rescheduled appointments must be made up prior to the next hearing.
 - ii. **Excused absence from Mental Health Court hearing.** All Mental Health Court hearings are mandatory. Calls on the day of court will not result in excusal from the hearing. Unless otherwise permitted by the judge, any request to miss a Mental Health Court hearing must be submitted in writing at least two (2) weeks prior to the date on which the participant is requesting to be excused. The judge will decide whether to approve or deny the request.

13. Travel

- a. Any participant wishing to travel out of state must contact the defense attorney and the Mental Health Court officer immediately to start the notification and preparation process. Give the attorney and officer as many details about the trip as possible, such as the reason for the trip, the length of the trip, the destination, and travel arrangements.
- b. The participant must also notify their treatment providers of the trip and be prepared to make up any missed treatment sessions as instructed by the counselor and/or Mental Health Court team. The Mental Health Court team will review the trip request and approve or deny as appropriate.

- 14. Do not carry or possess any weapon of any form, including firearms or knives, at any Mental Health Court program activity.

15. Be respectful to each other, the team, and the judge.
16. Comply with program requirements, which may include ongoing modifications of policy.
17. Comply with the requirements, deadlines, or sanctions issued by the Mental Health Court judge.
18. Turn in support group verification slips and receipt for payment of Mental Health Court fees to the court before each scheduled Mental Health Court hearing. Failure to comply with this rule will make the participant ineligible to advance until their next hearing.
19. The Mental Health Court participation fee is \$240.00. The fee may be paid at any time in full or in payments, but the fee must be paid in full prior to graduation. The participant may request approval from the Mental Health Court team to convert the fee, in part or in full, to community service work. If the Mental Health Court team grants this request, the conversion rate shall be \$15.00 credit for each community service hour completed (16 hours for \$240 credit). The community service site must be on the Community Service Referral List or a 501(c)(3). Special consideration may be made for those receiving SSI or SSDI.
20. Provide the Mental Health Court with an updated and correct phone number and address. Any changes must be reported immediately to the Mental Health Court officer, who will forward the information to the rest of the Mental Health Court team.
21. The participant agrees that their name and photograph(s), including booking and graduation photos and video or still images, which may be obtained during Mental Health Court hearings or graduation ceremonies, may be used and displayed within the Mental Health Court program, although the participant may also revoke this consent in writing to the Mental Health Court at any time.
22. The participant must cooperate with all members of the Mental Health Court team at each level and strive to move forward through each stage to the best of their ability.
23. Definitions
 - a. **Date of entry into Mental Health Court** will be the date the judge officially signs court orders entering the participant into Mental Health Court.
 - b. **Date of stage advancement** will be the date the judge officially signs court orders advancing the participant.
 - c. **Date of stage set back** will be the date the judge officially signs court orders setting back the participant.
 - d. **Calculation of days:**
 - i. Total days a participant has been in Mental Health Court will be calculated from the date of entry into Mental Health Court and include every calendar day from that date.
 - ii. The number of days a participant has been in a stage will be calculated from the date of stage advancement and include every calendar day from that date. If a participant is ordered to return to a lower stage or returns to the beginning of the same stage, the number of days required to complete that stage is reset to zero beginning on the date that the

participant is ordered to return or restart a stage. (This reset to zero only affects the number of days required to successfully complete a stage; it does not affect the continual calculation of total elapsed days in the Mental Health Court program).

- iii. The calculation of days excludes time at inpatient treatment.
- e. **Date of sobriety (clean and sober date)** will begin 24 hours after the participant's last use of drugs or alcohol. This includes a positive or dilute drug test. A drug test for marijuana will be considered positive if THC level remains the same or increases after an initial positive marijuana drug test.
- f. **Inactive** in the Mental Health Court program means the participant has missed all counseling sessions, groups, Mental Health Court officer appointments, and Mental Health Court hearings. This also includes any participant who is incarcerated in any jurisdiction for 60 days or longer and/or who has an active outstanding Mental Health Court warrant for 60 days or longer.

I. TERMINATION CRITERIA

The Mental Health Court team will endeavor to keep participants in the Mental Health Court program. However, there are some situations that will result in termination. If a participant is terminated from Mental Health Court, all Mental Health Court sanctions imposed by the Mental Health Court prior to formal termination shall be completed by the participant and are not waived as a result of termination.

Voluntary Termination

A participant may voluntarily terminate from Mental Health Court at any time by written motion. Upon receipt of the written motion, the court will set the matter for sentencing.

Court Termination

Administrative Termination. Any participant who has been *inactive* (as defined in Section H above) for 60 days or longer in Mental Health Court shall be administratively terminated by the court and the court will issue an order directing that the participant be taken off the active list of Mental Health Court participants (no Mental Health Court team vote is required). The participant's spot in Mental Health Court may be given to another applicant if there is a waiting list. The court shall issue a 'Hold for Court' warrant and when arrested, the court will set the matter for sentencing.

Mandatory Grounds for Termination. A participant shall be set for termination if any of the following situations occur (no team vote is required):

1. **Inability to complete program within 730 days.** If there is no feasible way for the participant to complete the Mental Health Court program within 730 days (24 months) or within the calendar month for which the 730th day falls (excluding days in inpatient treatment); however, at the termination hearing the Mental Health Court judge may extend this period for good cause;
2. **A new sex offense and/or violent criminal law violation.** If any court finds probable cause for a new charge against the participant that involves a sex offense or violent offense of any kind against another person; or
3. **A new delivery/manufacture/possession with intent criminal law violation.** If any court finds probable cause for a new charge against the participant that involves the delivery, sale, manufacture, or possession with intent to sell illegal drugs.

Discretionary Grounds for Termination. The Mental Health Court team will consider the facts and circumstances and make a recommendation (by majority vote of the team) to the court as to whether a participant should be terminated from Mental Health Court if any of the following situations occur:

1. **Exceeding maximum time in a stage.** If a participant is not able to advance within the maximum time for a stage they may provide a written request to Mental Health Court asking to be allowed to continue and explaining how he or she is going to come into compliance. The team will review the request and make a recommendation regarding continuing participation in Mental Health Court. The court will consider the request and may grant a participant more time to complete a stage. The number of days for the extension will be clearly stated on the participant's court order and may also require that the participant return to a prior level of treatment or impose other sanctions and remedies that may be appropriate. If the court determines termination is appropriate, the matter will be addressed under the procedures below for termination hearings.
2. **A new criminal law violation.** Except for new sex offense/violent crimes, or delivery/manufacture/possession with intent crimes, a finding of probable cause by any court for a new crime may be grounds for termination from Mental Health Court. The team will make a recommendation regarding continuing participation in Mental Health Court. The judge will make a final decision after consideration of the team's recommendation and considering the point of view of the participant. The participant may incur sanctions for the violation. If the court determines termination is appropriate, the matter will be addressed under the procedures below for termination hearings.
3. **Inactive for 30 days.** If a participant has been inactive for at least 30 days but less than 60 days, during the period of non-engagement, the participant will incur sanctions, up to and including jail time. The inactive participant will be subject to a 'Hold for Court' warrant. Upon arrest, the participant may provide a written request

to Mental Health Court asking to be allowed to continue in the program and explaining how they will come into compliance. The team will make a recommendation regarding continuing participation in Mental Health Court. The court will consider the request and may grant a participant's request to remain in Mental Health Court. If the court determines termination is appropriate, the matter will be addressed under the procedures below for termination hearings.

Procedure for Termination Hearing

Whenever a participant is subject to termination for any of the reasons set forth above, the following termination procedures apply:

1. When *discretionary* grounds for termination has occurred, any member of the Mental Health Court team may propose that a participant be terminated from the program. The team will vote whether to terminate (the judge will not vote). If a majority of the team votes to terminate, the Mental Health Court officer (or other team member selected by the team) shall write a short, concise statement of fact constituting the grounds for termination, which will be delivered to the participant.
2. When *mandatory* grounds for termination has occurred, the team does not vote whether to terminate; a motion to terminate is mandatory. The Mental Health Court officer (or other team member selected by the team) shall provide a short, concise statement of fact constituting the grounds for termination, which will be delivered to the participant.
3. If the participant wishes to contest the factual basis for termination, the Mental Health Court judge shall set a time for the termination hearing at least 14 days after the motion to terminate is made. The participant may inform the court that (s)he does not wish to contest the factual grounds for termination and the court will enter an order of termination and set the matter for sentencing.
4. At least seven days prior to the termination hearing, the prosecutor shall serve the participant's defense counsel with a copy of the written factual basis for termination.
5. The Mental Health Court judge shall conduct a termination hearing, without jury, and witnesses will not be summoned except with the permission of the court.
6. The prosecutor must provide evidence that will assist in determining the factual basis for the motion to terminate.
7. The participant may show compelling good cause why they should not be terminated. Mere desire or promise to do better is not good cause.
8. There shall be a rebuttable presumption that termination is necessary if the prosecutor submits evidence that the participant is faced with *mandatory* grounds for termination as described above in this section.

9. If, by a preponderance of the evidence, the court finds the participant meets any of the *mandatory* grounds for termination, the court shall terminate the participant from Mental Health Court.
10. If, by a preponderance of the evidence, the court finds that the participant meets any of the *discretionary* grounds for termination, the court shall determine whether to terminate the participant from Mental Health Court.
11. Upon an order to terminate, the judge may immediately proceed to sentencing or schedule sentencing no more than 14 calendar days after an order for termination is entered. The court may impose bail and/or release conditions prior to final sentencing. Sentencing after termination shall be before the regularly assigned Mental Health Court judge (not a pro tem). The sentence shall be imposed at the discretion of the judge after hearing sentencing recommendations from the defendant and prosecutor.
12. The decision of the Mental Health Court judge is not subject to review or appeal.

III. STAGE REQUIREMENTS

STAGES OF MENTAL HEALTH COURT

Mental Health Court is comprised of five stages; each is designed to support participants in achieving and maintaining a life of sobriety and prosocial living.

1. Stage 1 – Stabilization (90 – 180 days)
2. Stage 2 – Engagement (60 – 120 days)
3. Stage 3 – Life Skills (60 – 120 days)
4. Stage 4 – Independence (60 – 120 days)
5. Stage 5 – Mastery (90 days)

After requirements have been met for each stage, the participant will be presented with a Certificate of Completion for that stage and be advanced to the next stage. The full program takes a minimum of approximately one year (360 days) to complete and participation may not exceed 24 months (730 days) unless the judge extends this time period for good cause. Days spent at an intensive, inpatient treatment program are subtracted from the days required in each stage.

The *minimum* stage requirements are:

	STAGE 1	STAGE 2	STAGE 3	STAGE 4	STAGE 5
Drug/alcohol testing	at least one per week	random	random	random	random
Treatment sessions*	per treatment plan	per treatment plan	per treatment plan	per treatment plan	per treatment plan
Support groups	per treatment plan or as directed by the court	per treatment plan or as directed by the court	per treatment plan or as directed by the court	per treatment plan or as directed by the court	per treatment plan or as directed by the court
Mental Health Court officer appointment	one per week	one every other week	one per month	one per month	one before graduation
Phone check-ins	as directed	one per week	one per week	one per week	as directed
Court appearance	every week for the first 30 days and every other week after the first 30 days	every other week	every four weeks	every four weeks	at graduation
Foundational skills	Show up, be honest, be open, and work hard				

* Required treatment sessions are determined by the treatment provider's recommendation

STAGE 1 – STABILIZATION

Treatment plans in Stage 1 focus on stabilization.

Treatment plans in Stage 1 focus on stabilization.

Time in Stage 1: 90 – 180 days

Time in Stage 1: 90 – 180 days

Expectations for Stage 1:

During the first 30 days you must:

1. Attend Mental Health Court hearings every week;
2. Attend mental health counseling appointments as scheduled and follow all treatment recommendations;
3. Attend substance use disorder treatment appointments as scheduled (if SUD treatment is required) and follow all treatment recommendations;
4. Provide random drug tests (a minimum of one per week); and
5. Attend Mental Health Court officer appointments at least once per week;

After the first 30 days, you must:

1. Attend Mental Health Court hearings every other week;
2. Attend mental health counseling appointments as scheduled and follow all treatment recommendations;
3. Attend substance use disorder treatment appointments as scheduled (if SUD treatment is required) and follow all treatment recommendations;
4. Work with mental health and substance use disorder treatment providers to develop peer and social support networks;
5. Continue to provide random drug tests (a minimum of one per week);
6. Attend Mental Health Court officer appointments at least once per week; and
7. Work with the Mental Health Court team and other support resources to seek stable housing

Requirements to Advance to Stage 2

- ✓ Attended Mental Health Court hearings every week for the first 30 days and then every other week for at least 60 more days.
- ✓ Complied with mental health treatment plan.
- ✓ Complied with substance use disorder treatment, if applicable.

- ✓ Attended required counseling sessions; demonstrated consistent attendance prior to stage advancement.
- ✓ Attended Mental Health Court officer appointments on a weekly basis.
- ✓ Remained drug- and alcohol-free for at least 45 consecutive days prior to stage promotion.
- ✓ Demonstrated compliant behavior and consistent treatment attendance for a minimum of 45 days prior to stage promotion.
- ✓ Complied with mental health treatment plan.
- ✓ Complied with substance use disorder treatment, if applicable.
- ✓ Attended required counseling sessions; demonstrated consistent attendance prior to stage advancement.
- ✓ Had a plan in place to secure safe and stable housing, if not already obtained.
- ✓ Obtained own means of transportation (such as a license, personal vehicle, personal ORCA card, etc....).
- ✓ Addressed any matters impacting ability to drive, including licensing and insurance.
- ✓ Met all established Stage 1 goals.
- ✓ Remained open and honest with Mental Health Court team.
- ✓ Met with Mental Health Court officer and established Stage 2 goals.

STAGE 2 – ENGAGEMENT

In Stage 2, participants continue many of the activities from Stage 1 and the treatment plan will begin to focus on the Court underlying issues that brought them to Mental Health Court with a focus on personal accountability and responsibility.

Time in Stage 2: 60 – 120 days
Time in Stage 2: 60 – 120 days

Expectations for Stage 2:

1. Attend Mental Health Court hearings every other week;
2. Attend mental health counseling appointments as scheduled and follow all treatment recommendations;
3. Attend substance use disorder treatment appointments as scheduled (if SUD treatment is required) and follow all treatment recommendations;
4. Continue to provide random drug tests;
5. Attend Mental Health Court officer appointments at least once every two weeks;
6. Check in by phone at least once per week;
7. Complete a minimum of ten hours (at court's discretion) of community engagement activities. This could include volunteer work, making job applications, engaging in Division of Vocational Rehabilitation (DVR) services, etc. with prior approval of the Mental Health Court team. Volunteer work must be completed at a site listed on the Community Service referral list or at a 501(c)(3);
8. Address outstanding criminal matters; and
9. Address outstanding educational issues (GED, vocational training, college enrollment)

Requirements to Advance to Stage 3

- ✓ Attended Mental Health Court hearings every other week.
- ✓ Remained drug- and alcohol-free for at least sixty consecutive days prior to stage advancement.
- ✓ Demonstrated compliant behavior and consistent treatment attendance for a minimum of sixty days prior to stage promotion.

- ✓ Attended Mental Health Court officer appointments every two weeks.
- ✓ Made scheduled phone contacts every week.
- ✓ Complied with mental health treatment.
- ✓ Complied with substance use disorder treatment, if applicable.
- ✓ Completed 10 to 40 hours of community engagement activities as established with Mental Health Court officer. Volunteer work must be completed at a site listed on the Community Service referral list or a 501(c)(3). Filed Mental Health Court community service sheet as proof of hours completed.
- ✓ Addressed outstanding criminal matters.
- ✓ Addressed outstanding educational issues.
- ✓ Met all established Stage 2 goals.
- ✓ Remained open and honest with Mental Health Court team.
- ✓ Met with Mental Health Court officer and established Stage 3 goals.

STAGE 3 – LIFE SKILLS

Stage 3 reinforces sober and prosocial living and begins to

Stage 3 reinforces sober and prosocial living and begins to focus on rebuilding the participant's life. This may include education, job skill training, and long-term goal setting. Participants will continue with many of the same requirements in prior stages and build on them.

Time in Stage 3: 60 – 120 days

Time in Stage 3: 60 – 120 days

Expectations for Stage 3:

1. Attend Mental Health Court hearings every four weeks;
2. Attend mental health counseling appointments as scheduled and follow all treatment recommendations;
3. Attend substance use disorder treatment appointments as scheduled (if SUD treatment is required) and follow all treatment recommendations;
4. Continue to provide random drug tests;
5. Meet with Mental Health Court officer at least once every four weeks;
6. Check in by phone at least once per week;
7. Make efforts to seek employment or education, or maintain work or education schedule;
8. Identify personal triggers and coping mechanisms; and
9. Develop long-term goals with the Mental Health Court officer

Requirements to Advance to Stage 4

- ✓ Attended Mental Health Court hearings every four weeks or as directed.
- ✓ Remained drug- and alcohol-free for at least 60 consecutive days prior to stage advancement.
- ✓ Demonstrated compliant behavior and consistent treatment attendance for a minimum of 60 days prior to stage promotion.
- ✓ Attended Mental Health Court officer appointments at least once per month.
- ✓ Made scheduled phone contacts at least once per week.
- ✓ Be engaged in active employment or enrolled in an accredited learning institution or

vocational program at a minimum of 20 hours per week, or otherwise documented as a homemaker in lieu of work or education; or documented proof of disability and disability benefits preventing individual from work or education.

- ✓ Complied with mental health treatment plan.
- ✓ Complied with substance use disorder treatment (if applicable).
- ✓ Complied with medication regime as prescribed.
- ✓ Attended required counseling sessions; demonstrated consistent attendance prior to stage advancement.
- ✓ Met conditions of restitution payment plan as established.
- ✓ Met all established Stage 3 goals.
- ✓ Remained open and honest with Mental Health Court team.
- ✓ Met with Mental Health Court officer and established Stage 4 goals.

STAGE 4 – INDEPENDENCE

Stage 4 helps participants gain the ability to make healthy, long term, unsupervised, life choices about things such as educational and employment progress, sobriety and trust and relationship skills. Participants will continue with many of the same requirements in prior stages.

Time in Stage 4: 60 – 120 days

Expectations for Stage 4:

1. Attend Mental Health Court hearings every four weeks;
2. Attend mental health counseling appointments as scheduled and follow all treatment recommendations;
3. Attend substance use disorder treatment appointments as scheduled (if SUD treatment is required) and follow all treatment recommendations;
4. Continue to provide random drug tests;
5. Meet with Mental Health Court officer at least once every four weeks;
6. Check in by phone at least once per week;
7. Develop and review a wellness plan and complete an updated ORAS screening with the Mental Health Court officer;
8. Achieve financial stability: may include employment, Social Security benefits, or an educational plan that will lead to employment;
9. Resolve outstanding criminal matters;
10. Maintain stable housing; and
11. Start to pay or complete paying restitution.

Requirements to Advance to Stage 5

- ✓ Attended Mental Health Court hearings every four weeks or as directed.
- ✓ Had no new, unaddressed arrests on record.
- ✓ Complied with treatment plan for mental health (and substance use disorder, if applicable).
- ✓ Complied with medication regime as prescribed.

- ✓ Remained drug- and alcohol-free for at least 90 consecutive days prior to stage advancement.
- ✓ Demonstrated compliant behavior and consistent treatment attendance for a minimum of 90 days prior to stage promotion.
- ✓ Met with Mental Health Court officer at least once every four weeks.
- ✓ Made scheduled phone contacts at least once per week.
- ✓ Met with Mental Health Court officer to complete an updated ORAS screening.
- ✓ Completed all established Stage 4 goal plans.
- ✓ Met with the Mental Health Court officer to work on wellness plan.
- ✓ Achieved financial stability.
- ✓ Started to pay or completed paying restitution.

STAGE 5 –MASTERY

In Stage 5, the participant demonstrates the ability to master making healthy life choices and to independently stay clean of drugs and alcohol. The participant should be complete with any Intensive Outpatient or Relapse Prevention treatment plan for substance abuse and should be in compliance with mental health treatment recommendations.

Time in Stage 5: 90 days

Time in Stage 5: 90 days

Expectations for Stage 5:

1. Attend Mental Health Court hearing at graduation or more often if required;
2. Attend mental health counseling appointments as scheduled and follow all treatment recommendations;
3. Attend substance use disorder treatment appointments as scheduled (if SUD treatment is required) and follow all treatment recommendations;
4. Continue to provide random drug tests;
5. Attend at least one Mental Health Court officer appointment; and
6. Complete a wellness plan with Mental Health Court officer and treatment providers;

Requirements for Graduation

- ✓ Appeared in court as required.
- ✓ Had no new, unaddressed arrests on record.
- ✓ Complied with treatment plan for mental health and substance use disorder.
- ✓ Maintained sobriety through duration of stage.
- ✓ Complied with medication regime as prescribed.
- ✓ Demonstrated engagement in mental health treatment.
- ✓ Maintained stable treatment.
- ✓ Increased treatment experiences through formal or informal settings.
- ✓ Participated in community based support group.
- ✓ Paid remainder of restitution, if applicable.
- ✓ Completed community service/engagement as directed.

- ✓ Gained employment, enrolled in educational setting, or started volunteering.
- ✓ Utilizing skills for navigating community resources
- ✓ Established plan for continued mental health treatment
- ✓ Completed at least one UA before graduation; UA(s) must come back negative for all substances tested.
- ✓ Obtained at least 180 days of sobriety.
- ✓ Met with Mental Health Court officer and completed wellness plan.
- ✓ Shared wellness plan with Mental Health Court team on the day of graduation.
- ✓ Completed Mental Health Court stage plans 1-5.

Criminal cases are dismissed!

*We welcome your participation in Mental Health Court
and look forward to supporting you as you develop new
skills toward living a healthy and supportive life!*